



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

IM22/0302

APPLIED ELASTOMERICA INC
1336 ODDSTAD BLVD
PACIFICA CA 94044

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|---|--------------|-----------------------------|---------------|
| 09/130,545 | 08/08/98 | 006 | RAIMUND, C | 1771 03/02/00 |
| First Named Applicant | CHEN, 35 USC 154(b) term ext. = 0 Days. | | | |

TITLE OF INVENTION TEAR RESISTANT ELASTIC CRYSTAL GELS SUITABLE FOR INFLATABLE RESTRAINT CUSHIONS AND OTHER USES

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 1 38 | 428-035 | 200 | J04 UTILITY | NO | \$1210.00 | 06/02/00 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/130,545

Applicant(s)
Chen

Examiner
Christopher W. Raimund

Group Art Unit
1771



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the Amendment submitted December 22, 1999 (Paper No. 3)

☒ The allowed claim(s) is/are 1-4, 7, and 8

☒ The drawings filed on Aug 8, 1998 are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Y. Chen on February 24, 2000.

2. The application has been amended as follows:

In claim 1, line 3, change "diapharms" to "diaphragms".

In claim 1, line 4, after "resistant", insert "crystal".

In claim 2, line 3, change "diapharms" to "diaphragms".

In claim 2, line 4, after "resistant", insert "crystal".

In claim 2, line 4, change "diapharms" to "diaphragms".

In claim 3, line 3, change "diapharms" to "diaphragms".

In claim 3, line 4, after "resistant", insert "crystal".

In claim 3, line 4, change "diapharms" to "diaphragms".

In claim 4, line 3, change "diapharms" to "diaphragms".

In claim 4, line 4, after "resistant", insert "crystal".

In claim 4, line 4, change "diapharms" to "diaphragms".

In claim 4, line 6, change "diapharms" to "diaphragms".

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In claim 7, line 4, change "diapharms" to "diaphragms".

In claim 7, line 14, change "with the proviso that" to "wherein".

In claim 8, line 4, change "diapharms" to "diaphragms".

In claim 8, line 4, replace "gel" with "crystal gels".

In claim 8, line 10, after "different", insert "and wherein the material Mn is".

In claim 8, line 12, replace "or" with "and".

Cancel non-elected claims ~~5~~ and 6 without prejudice.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art is to Matsushima et al. (U.S. Patent No. 5,618,595). Matsushima et al disclose an airbag comprising a membrane having a breaking extension of 100% or more.

Suitable membrane materials include thermoplastic elastomers (Column 5, lines 38-41).

Matsushima et al, however, fail to disclose using a crystal gel as claimed by the applicant. Crystal gels (as defined in the Specification, for example, at page 3, 2nd full paragraph) are patentably distinct materials from the conventional thermoplastics disclosed by Matsushima et al. These materials have mechanical properties that differ greatly from the materials disclosed by Matsushima et al (See the Specification, for example, at page 326, 2nd full paragraph). There is no suggestion in Matsushima et al or in the other art of record to employ crystal gel materials in an airbag construction.

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The amendments to the claims set forth above were entered in order to correct typographical errors and to clarify the nature of the gel material employed by the applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Raimund whose telephone number is (703) 308-2374. The fax number for the art unit is (703) 305-5436.



**Chris Raimund
Primary Examiner
Technology Center 1700**

cwr
cwr
February 24, 2000